

DARYL S. LANDY, State Bar No. 136288  
MORGAN, LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, CA 94105-1126  
Tel: 415.442.1000  
Fax: 415.442.1001  
Email: dlandy@morganlewis.com

THE BRANDI LAW FIRM  
THOMAS J. BRANDI, SBN 53208  
BRIAN J. MALLOY, SBN 234882  
354 Pine Street, Third Floor  
San Francisco, CA 94104  
Telephone: 415.989.1800;  
Facsimile: 415.707.2024  
E-mail: tjb@brandilaw.com

MICHAEL J. PUMA (admitted *pro hac vice*)  
BRANDON BRIGHAM (admitted *pro hac vice*)  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, PA 19103  
Tel: 215.963.5000  
Fax: 215.963.5001  
Email: mpuma@morganlewis.com  
bbrigham@morganlewis.com

HOBAN & FEOLA, LLC  
DAVID C. FEOLA (CO Bar No. 18789)  
(admitted *pro hac vice*)  
1626 Wazee Street, Suite 2A  
Denver, Colorado 80202  
Telephone: 303.674.7000;  
Facsimile: 303.382.4685  
E-mail: David @Feolalaw.com

Attorneys for Defendant  
THE HERSHEY COMPANY

*Counsel for Plaintiffs*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

GREGORY P. BARNES, et al.,  
  
Plaintiffs,  
  
vs.  
  
THE HERSHEY COMPANY,  
  
  
Defendant.

Case No. 12-cv-01334-CRB

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING TRIAL**

Defendant The Hershey Company (“Hershey”) and Plaintiffs (collectively, the “Parties”),  
by and through their respective counsel, pursuant to Civil Local Rules 6-2, 7-12, and 40-1 of the  
Northern District of California, jointly request an order continuing trial, and aver as follows:

WHEREAS on June 10, 2015, the Court set a trial date of January 19, 2016 and a pretrial  
conference for January 7, 2016, ECF 275;

WHEREAS on September 25, 2015, Hershey filed two Motions for Partial Summary

Judgment seeking to prevent Plaintiffs from utilizing a pattern or practice method of proof and dismissal of all claims brought by Plaintiffs Gregory Barnes, David Bolle, and Jerry Chapman (collectively, the “Motions”), ECF 288 & 289;

WHEREAS, the Motions remain pending and a hearing is set for December 18, 2015, ECF 323;

WHEREAS, based on the current pre-trial schedule, the Parties must serve motions *in limine* the day of the hearing on the Motions and submit their other pre-trial filings less than two weeks later, which would require the Parties to draft pre-trial filings and prepare for trial without knowing the scope of trial;

WHEREAS, the Court is unavailable on January 7, 2015, the prior date set for the final pretrial conference;

WHEREAS, the Parties seek a continuance of trial in order to conserve the resources of the Court and the Parties, as well as to obtain a ruling on any motions in advance of trial and related pre-trial deadlines, and the Parties do not seek this continuance for the purpose of delay;

WHEREAS, all parties and their counsel are available for trial during the weeks of February 22, 2016 and February 29, 2016;

WHEREAS, the Parties agree that this Stipulation and the fact of entering into this Stipulation is without prejudice to any rights, position or arguments the Parties may make in this Action and that nothing in this Stipulation or the fact of entering into this Stipulation shall be construed as an admission by either Party or otherwise prejudice either Party’s position in any further litigation;

IT IS HEREBY STIPULATED pursuant to Local Rule 6-2 and 40-1 by and between the Parties hereto, through their respective attorneys of record, to the extension of certain deadlines as follows:

Event	Current Deadline	Proposed Deadline
Final Pretrial Conference	January 7, 2016	February 11, 2016
Trial to Commence	January 19, 2016	February 22, 2016

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Pursuant to L.R. 5-1(i)(3) regarding signatures, I, Brandon J. Brigham, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 4th day of December, 2015.

/s/ Brandon J. Brigham

Brandon J. Brigham

Dated: December 4, 2015

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Brandon J. Brigham

Brandon J. Brigham

Attorneys for Defendant

THE HERSHEY COMPANY

Dated: December 4, 2015

THE BRANDI LAW FIRM

By: /s/ Brian J. Malloy

Brian J. Malloy

Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December \_\_, 2015

By: \_\_\_\_\_

Honorable Charles R. Breyer

United States District Judge